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EXAMINER

CORRIELUS, JEAN M

ART UNIT

PAPER NUMBER

2162

MAIL DATE

DELIVERY MODE

10/29/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/693,574

**Applicant(s)**

DEMIROSKI ET AL.

**Examiner**

Jean M. Corielus

**Art Unit**

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-5,18,20,21,38 and 43-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,18,20,21,38 and 43-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This office action is in response to the Request for Continued Examination (RCE) filed on October 22, 2008.

***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 22, 2008 has been entered.

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 18, 20-21 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The software interface system as claimed would reasonably be interpreted by one of ordinary skill in the art in light of the disclosure as software rather than referring to the system as a physical object or appropriate computer readable medium. Such the software interface system is software, per se and it is not limited to statutory subject matter and is therefore non-statutory.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1, 3-5, 18, 20-21, 38 and 43-50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 18, and 38 recite “creating customized discrete storable units of information”. Such limitation as claimed has no connection with all other limitations of the claim. It is not clear how the steps of defining a discrete storable unit; defining an extension type; and attaching an extension instance of the extension type are related to create a customized discrete storable unit of information. The claims have not shown how the customized discrete storable unit of information has been created. Clarification is strongly advised.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 3-5, 18, 20-21, 38 and 43-50 rejected under 35 U.S.C. 103(a) as being unpatentable over Martin US Patent No. 6,704,743 in view of Ziebell US Patent no. 6,385,767.

As to claim 1, Martin discloses the claimed “defining an initial discrete storable unit of information having a type structure” (receiving an object, col.20, lines 26-27, wherein the object comprises a class, col. 20, lines 5-27; col.21, lines 23-24.); “defining an extension representative of a desired additional data structure” (a child entity is an extension of a parent entity, which contains a class entity (data structure) in turn contains entity relationship, see col.15, lines 60-65;

col.21, lines 62-67; col.23, lines 52-60); and “attaching an extension to the type structure of the initial discrete storable unit of information” (the object entity would extend to provide a defined features list that includes pointers to each feature entity, see col.21, lines 48-55). However, Martin does not explicitly disclose an extension type representative of a desired additional data structure formation by defining an extension instance of the extension type, the extension instance being identified by the first identifier and an extension identifier and stored and accessible separately from the discrete storable unit of information; and creating a new discrete storable unit of information. On the other hand, Ziebell discloses an analogous system that discloses “an extension type” (see col.5, lines 34-35) representative of a desired additional data structure (folderArchive class object is defined as additional data structure, see col.5, lines 40-41); “attaching an extension to the type structure of discrete storable unit of information” (creating extension to the file type, see col.6, lines 26-31); “by defining an extension instance of the extension type, the extension instance being identified by the first identifier and an extension identifier and stored and accessible separately from the discrete storable unit of information” (col.5, lines 35-48); and “creating a new discrete storable unit of information” (col.6, lines 48-58). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of the cited references. One having ordinary skill in the art would have found it motivated to use such a combination for the purpose of allowing users to define their own file type and to version then in an efficient manner, thereby eliminating the need to store entire files of new versions resulting in a saving of storage.

As to claim 3, Martin and Ziebell disclose the invention as claimed. In addition, Martin discloses the claimed “wherein said extension cannot exist independently from said type structure of said new discrete storable unit of information, col. 25, lines 41-57).

As to claim 4, Martin and Ziebell disclose the invention as claimed. In addition, Martin discloses the claimed “defining a plurality of extensions, wherein each extension is representative of a desired additional data structure” (a child entity is an extension of a parent entity, which contains a class entity (data structure) in turn contains entity relationship, see col.15, lines 60-65; col.21, lines 62-67; col.23, lines 52-60); attaching the extensions to the type structure of the initial discrete storable unit of information (the object entity would extend to provide a defined features list that includes pointers to each feature entity, see col.21, lines 48-55).

As to claim 5, Martin and Ziebell disclose the invention as claimed. In addition, Martin discloses the claimed “wherein said plurality of Extensions is used to model overlapping type instances” (col.23, lines 53-60; col.25, lines 26-46, core schema).

Claims 18 and 20-21 are system for performing the method of claims 1 and 3-5 above. They are, therefore, rejected under the same rationale. In addition, Ziebell attaches at least one extension to the type structure of the discrete storable units of information (see col.6, lines 32-38).

As to claim 38:

Claim 38 is a computer readable medium comprising computer readable instruction for performing the method of claim 1 above. It is, therefore, rejected under the same rationale.

As to claim 43, Martin discloses the claimed “wherein the initial discrete storable unit of information is an Item.” (The items held by the first relationship define the set of allowed choices or values for the attribute).

As to claim 44, Martin discloses the claimed wherein the initial discrete storable unit of information is a Nested Element (basic semantic entities are supported: lists and list elements).

As to claim 45, Martin discloses the claimed wherein the extension represents a specified property col.25, lines 39-46.

As to claim 46, Martin discloses “wherein the extension represents a specified relationship” (determining whether the destination for the defined relationship has a constraining type defined by the relationship definition for that relationship).

As to claim 47, Martin discloses the claimed wherein the initial discrete storable units of information are Items (The items held by the first relationship define the set of allowed choices or values for the attribute).

As to claim 48, Martin discloses the claimed wherein the initial discrete storable units of information are Nested Elements ((basic semantic entities are supported: lists and list elements).

As to claim 49, discloses the claimed wherein the extensions represent a specified property col.25, lines 39-46.

As to claim 50, Martin discloses the claimed wherein the extensions represent a specified relationship (extending object entity classification to provide a defined features list that includes pointers to each feature entity defined by the feature definition).

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M. Corrielus whose telephone number is (571) 272-4032. The examiner can normally be reached on 10 hours shift.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jean M Corrielus/  
Primary Examiner, Art Unit 2162

October 31, 2008